

UNITED STATES DISTRICT COURT  
DISTRICT OF MINNESOTA

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Jeffrey Weisen,

Case No.

Plaintiff,

**NOTICE OF REMOVAL**

v.

TAPDA Enterprises, Inc. d/b/a  
Minnoco and T & A L Schlangen,

Defendants.

**JURY TRIAL DEMANDED**

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TO THE CLERK OF THE ABOVE COURT:

As allowed by 28 U.S.C. §§ 1441 and 1446, TAPDA Enterprises, Inc. d/b/a Minnoco and T & A L Schlangen (Defendants) hereby remove this action to the United State District Court, District of Minnesota. In support of removal, Defendants state:

1. Plaintiff served Defendants with his Summons and Complaint (**Exhibit A**) on or about December 14, 2020. The Complaint and Summons were brought in Hennepin County, Minnesota. The action has not yet been filed with the state court.

2. Defendants file this Notice of Removal within 30 days of the date they were served with the Summons and Complaint, and therefore timely remove this case. 28 U.S.C. § 1446(b).

3. The United States District Court for the District of Minnesota is the federal district court for the district embracing the place where the state court suit is pending. 28 U.S.C. § 1441(a).

4. 28 U.S.C. § 1331 vests this Court with original jurisdiction over this civil action because Plaintiff's cause of action is a federal question arising under the laws of the United States, specifically, the Americans with Disabilities Act (ADA), 42 U.S.C. §§ 12181-12189.

5. Plaintiff alleges that Defendants violated the American with Disabilities Act by way of architectural barriers. *See* 42 U.S.C. § 12188(a)(2) and 28 C.F.R. § 36.211 and 36.501.

6. Plaintiff seeks a permanent injunction pursuant to 42 U.S.C. § 12188(a)(2) and 28 C.F.R. § 36.504(a).

7. Plaintiff claims monetary damages pursuant to *Tayler Bayer v. Neiman Marcus Group, Inc.*, No. 15-15287 (9th Cir. 2017) and attorneys' fees, litigation expenses, and costs pursuant to 42 U.S.C. § 12205 and 28 C.F.R. § 36.505.

8. Plaintiff seeks a declaratory judgment pursuant to 28 U.S.C. § 2201 and Fed. R. Civ. P. 57.

9. Defendants are entitled to remove this action to the United States District Court, District of Minnesota, under 28 U.S.C. § 1441.

10. Defendants reserve the right to amend or supplement this Notice of Removal.

11. In accordance with 28 U.S.C. § 1446(d), Defendants serve this Notice of Removal upon Plaintiff Jeffrey Weisen, through his counsel of record, and will file a copy of the Notice with the Clerk/Court Administrator of the Hennepin County District Court.

WHEREFORE, Defendants TAPDA Enterprises, Inc. d/b/a Minnoco and T & A L Schlangen remove the above-entitled action from Hennepin County District Court to the United States District Court for the District of Minnesota.

Dated: January 4, 2021

**ERICKSON, ZIERKE, KUDERER  
& MADSEN, P.A.**

By: s/ Robert E. Kuderer

Robert E. Kuderer (#207652)

Thomas C. Brock (#395980)

Madeline E. Davis (#0400791)

7301 Ohms Lane, Suite 207

Minneapolis, MN 55439

Tel: (952) 582-4711

Email: [bob.kuderer@ezkm.net](mailto:bob.kuderer@ezkm.net)

[thomas.brock@ezkm.net](mailto:thomas.brock@ezkm.net)

[madeline.davis@ezkm.net](mailto:madeline.davis@ezkm.net)

***Attorneys for Defendants***